

REMARKS

I. Summary Of Office Action

Claims 1-81 are pending in the above-identified patent application and claims 1-50 are withdrawn.

The Objection to the Oath/Declaration in the Office Action dated May 23, 2002 is withdrawn.

The terminal disclaimer filed on May 6, 2003 has been accepted and recorded.

The Examiner rejects claims 51, 55, 56, 61-68, 71-75, and 78-81 are under 35 U.S.C. § 102(b) as being unpatentable over Strubbe et al. U.S. patent No. 5,047,867 (hereinafter "Strubbe"). Claims 51-81 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoarty U.S. patent No. 5,412,720 (hereinafter "Hoarty") in view of Anderson et al. U.S. patent No. 5,416,895 (hereinafter "Anderson"). Claims 57, 58, and 60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Strubbe in view of Kawasaki U.S. patent No. 5,323,234 (hereinafter "Kawasaki"). Claim 59 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Strubbe in view of Kawasaki and further in view of Anderson.

II. Summary Of Applicants' Reply To Office Action

The Examiner's rejections are respectfully traversed.

III. The Rejections of claims 51-56

The Examiner rejects claims 51, 55, and 56 under 35 U.S.C. § 102(b) as being unpatentable over Strubbe. Claims 51-56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoarty in view of Anderson. The Examiner's rejections are respectfully traversed.

A. The Rejection of Claim 51 over Strubbe

Applicants' invention, as defined by claim 51, is directed to a method of navigating a data base of television program listings. The method comprises: storing in electronic memory a channel listing and television program listings for a plurality of channels, the channel listing having indicators (e.g., stations numbers or names) for at least some of the channels; displaying the indicators for the channel listing; and arranging the indicators for the channel listing in a user determined order.

In the rejection over Strubbe, the Examiner contends that applicants' indicators for the channels may be "Channel number/Name; i.e., CBS or program titles" (Office Action, page 4, line 1). While applicants agree that CBS is an indicator for a channel, applicants disagree that program titles are indicators for channels. Rather, program titles indicate the titles to programming on channels, not the channels themselves. Therefore, program titles are not indicators for channels.

The Examiner further contends in the rejection over Strubbe that applicants' user determined order may be a "preferred order of program title[s] to match viewer interest" (Office Action, page 4, lines 2 and 3). Applicants respectfully disagree. As stated in applicants' claim 51, the indicators for the channels are arranged in the user determined order. As explained above, program titles are not indicators for channels. Therefore, a user defined order of program titles would not show or suggest applicants' arranging feature of claim 51.

The Examiner contends that Strubbe shows applicants' claimed arranging feature at "Col. 4; lines 19-Col. 5

lines 3-30*; Fig. 6A" (Office Action, page 4, line 3). These portions of Strubbe generally refer to four different categories of menus. Each category of menu will be discussed in turn.

The first category of menu referred to in Strubbe is the tape category. Channels A, B, C, and H in FIG. 4 of Strubbe show various tape menus. Generally speaking, these menus display the program titles of programs recorded on a tape. However, none of the tape menus include indicators for channels. Therefore, the tape menus of Strubbe fail to show or suggest (a) displaying indicators for a channel listing and (b) arranging the indicators for the channel listing in a user determined order as specified in applicants' claim 51.

The second category of menu referred to in Strubbe is the future category. Channels D, E, and F in FIG. 4 of Strubbe show various future menus. The future menu of channel D displays program titles and the times for future programming. However, the future menu of channel D does not include indicators for channels and the programs in the menu are arranged chronologically, not in a user determined order (see col. 4, lines 21-23 of Strubbe). The future menus of channels E and F show the individual descriptions of the programs in the future menu of channel D. The individual program descriptions do include an indicator of the associated channel. However, the future menus of channels E and F each only include a single channel indicator and thus these future menus fail to show or suggest arranging indicators in any order. Accordingly, the future menus of Strubbe fail to show or suggest arranging indicators for a channel listing in a user determined order as specified in applicants' claim 51.

* While this citation is unclear, applicants are assuming for the purposes of this Reply that the Examiner intended to cite column 4, line 19 through column 5, line 30 of Strubbe.

The third category of menus referred to in Strubbe is the favorite category. Channel G in FIG. 4 and FIG. 6A of Strubbe show two favorite menus. As stated in Strubbe, these menus may include "names of each of the favorite broadcast programs, their start times and the network or channel on which they appear [(i.e., channel indicators)]" (Strubbe, col. 5, lines 24-26). As indicated by the Examiner, the programs are listed alphabetically according to program titles.* Accordingly, the favorite menus of Strubbe fail to show or suggest arranging indicators for a channel listing in a user determined order as specified in applicants' claim 51.

The fourth category of menus referred to in Strubbe is the broadcast category. Channel K in FIG. 4 of Strubbe shows a broadcast menu of available broadcast channels. The available broadcast channels appear to be in numerical order. In addition, Strubbe fails to show or suggest arranging the broadcast channels of the broadcast menu in a user determined order. Therefore, the broadcast menu of Strubbe fails to show or suggest arranging indicators for a channel listing in a user determined order as specified in applicants' claim 51.

In view of the foregoing, at least because Strubbe fails to show or suggest arranging indicators for a channel listing in a user determined order, claim 51 should be found allowable over Strubbe. Therefore, the rejection of claim 51 over Strubbe should be withdrawn.

B. The Rejection of Claim 51 over
Hoarty in view of Anderson

Hoarty refers to an interactive cable television system. The interactive cable television system provides an interactive program service that provides information to a

* The Examiner specifically stated "Favorite programs arranged according to program name" (Office Action, page 4, lines 3-4).

user. For example, the interactive program service may provide TV listings to the user.

The Examiner relies on FIG. 21 of Hoarty to show displaying indicators for a channel listing. FIG. 21 of Hoarty shows a grid guide, where the program guide information is arranged "as a function of channel and time for a given date and portion of the day" (Hoarty, col. 12, lines 50-52). As conceded by the Examiner, Hoarty does not disclose arranging indicators for a channel listing in a user determined order as specified in applicants' claim 51.

In order to make up this deficiency in Hoarty, the Examiner relies on Anderson. Anderson, however, refers to systems and methods for an improved spreadsheet interface. Anderson attempts to improve upon prior spreadsheet applications, which provided complex interfaces for a user, by providing a highly intuitive interface (see Anderson, col. 2, line 62 to col. 3, line 54).

The Examiner states that "Anderson teaches a method of arranging the order of cells in a user determined order" (Office Action, page 8, lines 6 and 7). The Examiner references column 7, lines 55-59 of Anderson. This portion of Anderson describes one command of tool bar 220 of FIG. 2B. Tool bar 220 of Anderson comprises a row of tools that provide users with a quick way of selecting "commonly-used [spreadsheet] commands or properties" (Anderson, column 7, lines 26-29). One of the commonly-used spreadsheet commands is the sort command. Accordingly, applicants submit that Anderson merely teaches an intuitive interface for spreadsheet applications that allows easy access the commonly-used sort spreadsheet command.

Hoarty, however, is not a spreadsheet application. As described above, Hoarty relates to an interactive program service that may provide TV listings to the user. As conceded by the Examiner, Hoarty's interactive program service does not provide a sort command that allows a user customize the

arrangement of channel indicators. Therefore, even if Anderson's intuitive interface, which allows a user to easily access commonly-used commands, were applied to Hoarty, the interface would not provide easy access to a sort command because there is no such sort command in Hoarty.

Accordingly, in view of the foregoing, the combination of Anderson's intuitive interface with Hoarty would fail to show or suggest arranging indicators for a channel listing in a user determined order.

Moreover, the Examiner failed to provide the requisite motivation to apply Anderson to Hoarty. The Examiner contends it would have been obvious "to modify Hoarty by using the well known technique of sorting, as taught by Anderson, in order to provide users a highly intuitive interface so users could organize and present information according to their needs" (Office Action, page 8, lines 11-13). The Examiner contends that support for this alleged motivation is found at column 3, lines 35-40 of Anderson. This portion of Anderson, however, states that:

Moreover, the application should implement advanced features, such as three dimensionality, by employing interface objects which are familiar to the user. In this manner, the user will not have to master an elaborate and/or awkward environment but, instead, may rely upon his or her own common fund of knowledge. The present invention fulfills this and other needs.

(Anderson, column 3, lines 33-40). This portion of Anderson does not refer in any way to sorting functions. Rather, this portion of Anderson refers to implementing three dimensionality in a spreadsheet by employing interface objects that are familiar to the user. Accordingly, this portion of Anderson fails to provide any support for the Examiner alleged motivation to modify Hoarty with the technique of sorting.

It is well-settled that an examiner can "satisfy [the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness] only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the reference." In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner here has showed no such objective evidence.

Instead, the Examiner is merely making a broad conclusory statement and fails to point to any objective evidence in either Anderson or Hoarty that would lead one of ordinary skill in the art to combine the references. Such "[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'" of a motivation to combine. In re Dembiczak, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999), abrogated on other grounds by In re Gartside, 53 U.S.P.Q.2d 1769 (Fed. Cir. 2000).

In view of the foregoing, the Examiner has failed to point to any objective evidence that would lead one of ordinary skill to selectively apply a sorting function from a spreadsheet application to an interactive program guide.

Accordingly, because the modification of Hoarty with Anderson's intuitive interface would fail to show or suggest all of the features of applicants' claim 51, and because the Examiner has failed to provide the requisite motivation for making such a combination, claim 51 should be found allowable over Hoarty and Anderson. Therefore, the rejection of claim 51 over Hoarty and Anderson should be withdrawn.

C. The Rejections of Claims 52-56

As demonstrated above, claim 51 should be found allowable. Therefore, dependent claims 52-56 should also be found allowable for at least the same reasons as to why independent claim 51, from which dependent claims 52-56

depend, is allowable. Accordingly, the rejections of dependent claims 52-56 should be withdrawn.

IV. The Rejections of claims 57-64

The Examiner rejects claims 61-64 are under 35 U.S.C. § 102(b) as being unpatentable over Strubbe. Claims 57-64 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoarty in view of Anderson. Claims 57, 58, and 60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Strubbe in view of Kawasaki. Claim 59 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Strubbe in view of Kawasaki and further in view of Anderson. The Examiner's rejections are respectfully traversed.

A. The Rejection of Claim 57 Over Hoarty in View of Anderson

Applicants' invention, as defined by claim 57, is directed to an electronic program guide that includes features that are similar to the features in claim 51. For example, claim 57 specifies that a "plurality of channels in [a] channel listing are arranged in a user determined order." As demonstrated above, this feature is allowable over Hoarty in view of Anderson. Therefore, claim 57 should be found allowable over Hoarty and Anderson. Accordingly, the rejection of claim 57 over Hoarty and Anderson should be withdrawn.

B. The Rejections of Claim 57 Over Strubbe in view of Kawasaki

Claim 57 also includes the feature of "a time and channel listing guide having a plurality of cells wherein the television program listings for a plurality of channels in a channel listing are displayed." The Examiner states that "Strubbe does not disclose[] the listing guide having a

plurality of cells" and relies on Kawasaki to make up this deficiency in Strubbe (Office Action, page 14, lines 3-4).

Applicants submit that even if it were obvious to modify Strubbe with a plurality of cells as allegedly taught by Kawasaki, the modification would still fail to show or suggest all of the features of applicants' claim 57. As demonstrated above, Strubbe fails to show or suggest arranging channels in a user determined order. Therefore, the Examiner's suggested modification of Strubbe would fail to show or suggest displaying a plurality of channels in a channel listing, where the plurality of channels in are arranged in a user determined order as specified by applicants' claim 57.

Accordingly, claim 57 should be found allowable over Strubbe and Kawasaki and therefore the rejection of claim 57 over Strubbe and Kawasaki should be withdrawn.

C. The Rejections of Claims 58-64

As demonstrated above, claim 57 should be found allowable. Therefore, dependent claims 58-64 should also be found allowable for at least the same reasons as to why independent claim 57, from which dependent claims 58-64 depend, is allowable. Accordingly, the rejections of dependent claims 58-64 should be withdrawn.

V. The Rejections of claims 65-71 and 80

The Examiner rejects claims 65-68, 71, and 80 under 35 U.S.C. § 102(b) as being unpatentable over Strubbe. Claims 65-71 and 80 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoarty in view of Anderson. The Examiner's rejections are respectfully traversed.

A. The Rejections of Claim 65 and 80 Over
Strubbe and Over Hoarty in View of Anderson

Applicants' invention, as defined by claims 65 and 80, is directed to a system and an apparatus that include features that are similar to the features in claim 51. For example, claims 65 and 80 specify displaying "an electronic program guide ... wherein the order of displayed television program listings corresponds to at least a portion of the user determined channel listing order." As demonstrated above, Strubbe and the combination of Hoarty and Anderson fail to show or suggest arranging indicators for a channel listing in a user determined order as specified in applicants' claim 51. Therefore, these references similarly fail to show or suggest displaying indicators for a channel listing in a user determined order.

For the foregoing reason, applicants submit that Strubbe and the combination of Hoarty and Anderson fail to show or suggest displaying an electronic program guide where the order of displayed television program listings corresponds to at least a portion of the user determined channel listing order as specified by applicants' claims 65 and 80. Therefore, claims 65 and 80 should be found allowable over Strubbe and over Hoarty and Anderson. Accordingly, the rejections of claim 65 and 80 over Strubbe and over Hoarty and Anderson should be withdrawn.

B. The Rejections of Claims 66-71

As demonstrated above, claim 65 should be found allowable. Therefore, dependent claims 66-71 should also be found allowable for at least the same reasons as to why independent claim 65, from which dependent claims 66-71 depend, is allowable. Accordingly, the rejections of dependent claims 66-71 should be withdrawn.

VI. The Rejections of claims 72-79 and 81

The Examiner rejects claims 72-75, 78, 79, and 81 are under 35 U.S.C. § 102(b) as being unpatentable over Strubbe. Claims 72-79 and 81 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoarty in view of Anderson. The Examiner's rejections are respectfully traversed.

A. The Rejections of Claims 72 and 81 Over Strubbe and Over Hoarty in View of Anderson

Applicants' invention, as defined by claims 72 and 81, is directed to a system and an apparatus for viewing television programs. Claim 72 includes a processor configured to "receive a user determined channel listing order" and claim 81 similarly includes "means for receiving a user determined channel listing order." As demonstrated above, Strubbe and the combination of Hoarty and Anderson fail to show or suggest arranging indicators for a channel listing in a user determined order. Furthermore, not only do these references fail to show or suggest this feature of claim 51, applicants submit that these references also fail to show or suggest receiving a user determined channel listing order as specified in claims 72 and 81.

Moreover, claim 72 further specifies that the processor is also configured to "command to the tuner to sequentially tune to a plurality of television channels in an order corresponding to the user determined channel listing order. Similarly, claim 81 further specifies "means for sequentially displaying a plurality of television programs in an order corresponding to the user determined channel listing order." At least because Strubbe and the combination of Hoarty and Anderson fail to show or suggest receiving a user determined channel listing order, these references must also fail to show or suggest sequentially tuning to a plurality of television channels in an order corresponding to the user determined channel order.

For at least the foregoing reasons, applicants submit that claims 72 and 81 should be found allowable over Strubbe and over Hoarty and Anderson. Accordingly, the rejections of claim 72 and 81 over Strubbe and over Hoarty and Anderson should be withdrawn.

B. The Rejections of Claims 73-79

As demonstrated above, claim 72 should be found allowable. Therefore, dependent claims 73-79 should also be found allowable for at least the same reasons as to why independent claim 72, from which dependent claims 73-79 depend, is allowable. Accordingly, the rejections of dependent claims 73-79 should be withdrawn.

VII. Conclusion

In view of the foregoing, claims 51-81 are in condition for allowance. This application is therefore in condition for allowance. Reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,



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